

April 25, 2024

VIA EMAIL: bikramgill@gillenergy.com

Creative Management Inc.
c/o Bikram Gill
935 State Route 34, Suite 3A
Matawan, NJ 07747-3282

Re: ECB-Storage Tanks Program
310(b) Site Characterization Report Approval
Storage Tank Release – October 2, 2023
Allentown 4th Street Gulf
Facility ID #:39-40343
Incident#(s): 59343 and 59344
1224 South 4th Street
Allentown City, Lehigh County

Dear Bikram Gill:

The Department of Environmental Protection (DEP) has reviewed the March 2024 document titled “Site Characterization Report and Remedial Action Completion Report” for the release incident(s) referenced above. This document was prepared by Mobile Environmental Analytical, Inc. and submitted as a Site Characterization Report (SCR) under 25 Pa. Code § 245.310(b), which indicates that soil is the only media of concern and which contains data that the interim remedial actions have attained the non-residential standard for benzene, ethylbenzene, cumene, methyl tert-butyl ether, naphthalene, toluene, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, and total xylenes, in soil in accordance with 25 Pa. Code Chapter 250 and the Land Recycling and Environmental Remediation Standards Act (Act 2).

In accordance with 25 Pa. Code § 245.310(c)(1), DEP approves the SCR for the substances identified and remediated. Chapter 5, Section 501 of Act 2, provides the liability protection where attainment of Act 2 cleanup standards is demonstrated. The cleanup liability protection provided by this chapter applies to the current and future owner or any other person who participated in the remediation; a person who develops or occupies the property; successor or assign of any person to whom liability protection applies; and a public utility to the extent the public utility performs activities on the identified property(ies).

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457

Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

The technical review of this document was conducted under the responsible charge of a Pennsylvania Licensed Professional Geologist. If you have any questions or desire clarification regarding the above, then please contact John Patrick McGlynn, Licensed Professional Geologist who can be reached either by telephone at (570) 826-5526 or through e-mail to jomcglynn@pa.gov.

Sincerely,

Eric Supey

Eric Supey
Environmental Program Manager
Environmental Cleanup & Brownfields Program

cc: Allentown City – Michael Hanlon, City Clerk (michael.hanlon@allentownpa.gov)
Mobile Environmental Analytical, Inc. – Ross Everitt (ross@meaincpa.com)
USTIF – Claim # 2023-0151 (RA-IN-FBSCLAIMS@pa.gov)
E. Supey – DEP
J. McGlynn – DEP
S. Sheetz – DEP
T. Coar – DEP
OnBase: Storage Tanks/907/Correspondence/Decision Letters